

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated February 9, 2005. Claims 1-36 are currently pending in the application. As indicated above, Claims 1 and 13 have been amended, and new Claims 31-36 have been added. Further, the specification has been amended to more clearly describe the present invention. However, it is respectfully submitted that no new matter has been added.

In the Office Action, the Examiner has rejected Claims 1, 13, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Hughes et al.* (U.S. 4,730,307), Claims 3-5, 9-12, 15-17, and 21-28 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art and *Hughes* in view of *Scott et al.* (6,154,486), Claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art and *Hughes*, and further in view of *Nakamura et al.* (U.S. 6,314,090), and Claims 6-8 and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art, *Hughes* and *Scott* in view of *Szczutkowski et al.* (U.S. 4,187,146).

As stated above, the Examiner has rejected Claims 1 and 13, the independent claims of the present application, under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Hughes*. Specifically, the Examiner asserts that applicants' admitted prior art discloses all the elements of Claims 1 and 13 except for intermittently transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message in order to reduce interference on other reverse link channels, which is allegedly disclosed in *Hughes*.

In this rejection, the Examiner cites Fig. 3 and col. 7, lines 60-68, of *Hughes* as disclosing intermittently transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message *in order to reduce interference on other reverse link*

channels. However, it is respectfully submitted that the Examiner has failed to provide a reasonable motivation to combine *Hughes* with applicants' admitted prior art.

As previously presented, *Hughes* teaches that the intended purpose of having a preamble with a "gap long enough to enable receiving BIUs to reset for receipt of a new packet" is to enable the aforesaid *resetting*. Moreover, there is no teaching in *Hughes* that the "gap" in the interval is provided *in order to reduce interference on other reverse link channels*. Accordingly, it is respectfully submitted that the Examiner is incorrect in stating that it would be obvious to combine *Hughes* with applicants' admitted prior art in order to provide intermittent transmission intervals *in order to reduce interference on other reverse link channels*.

Therefore, it is respectfully submitted that the references fail to teach a motivation to combine the references "*in order to reduce interference on other reverse link channels*" as suggested in the Office Action. Further, since the references fail to teach or fairly disclose the suggested motivation for combining in the Office Action, Applicants respectfully submit that the Office Action's conclusion of obviousness is based on improper hindsight reasoning.

Further, with regard to the Examiner's statement that intermittently transmitting a preamble signal automatically reduces interference on other reverse link channels, it is respectfully submitted that this statement by the Examiner is incorrect.

More specifically, the intermittent transmissions in the present invention are specifically timed as such to avoid simultaneous transmission with other reverse link channels. Accordingly, by merely transmitting the preamble signal in an intermittent fashion, it is still possible to have simultaneous transmission with other reverse link channels, which causes interference. Therefore, it is respectfully submitted that the Examiner is incorrect in assuming that intermittently transmitting a preamble signal automatically reduces interference on other reverse link channels.

Additionally, it should be noted that independent Claims 1 and 13 have been amended to more clearly recite that the intermittent transmission pattern is used to reduce interference on other reverse link channels.

Therefore, as *Hughes* presents no motivation for providing a gap in a preamble signal in order to reduce interference on other reverse link channels, and because this result does not automatically result from intermittent transmission, it is respectfully submitted that the Examiner has failed to provide any motivation to combine *Hughes* with applicants' admitted prior art to provide transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message in order to reduce interference on other reverse link channels, as recited in independent Claims 1 and 13. Accordingly, based on the arguments presented above, it is respectfully submitted that the rejection of Claims 1 and 13 is improper, and it is respectfully requested that the rejection be withdrawn.

Additionally, new Claims 31 and 33 have been added, which recite that a plurality of transmission intervals and at least one non-transmission interval are determined by a base station to reduce interference on other reverse link channels. Also, new dependent Claims 32 and 34-36 have been added which recite a generic equation for establishing the transmission and non-transmission intervals of the preamble interval, which is more particularly described in the example given in the specification as originally filed. Accordingly, it is respectfully submitted that new Claims 31-36 are patentably distinct from the Examiner's cited art.

Finally, it is respectfully submitted that independent Claims 1, 13, 31, and 33 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2-12, 14-30, 32, and 34-36, they are likewise believed to be allowable by virtue of their dependence on Claims 1, 13, 31, and 33, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-12 and 14-30 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-36 are in condition for allowance. Should the Examiner believe

that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/las